*323 [The questioner (SHRI Veer Singh) was absent for answer *vide* page 27.infra.]

Extradition Treaty with Portugal

*324. SHRIMATI AMBIKA SONI: ††

SHRI SANTOSH BAGRODIA:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) Government efforts to tie a formal extradition treaty with Portugal; and

(b) what efforts have been taken by Government to ensure that more Indian criminals in other countries like UAE, Bangkok etc. are also handed over?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI E. AHAMMED): (a) The process for concluding an Extradition Treaty between India and Portugal is at an initial stage.

(b) The Government makes all efforts to have extradition treaties with as many countries as possible so that more Indian criminals in other countries are also handed over?

SHRIMATIAMBIKASONI: Mr. Chairman, Sir, this is a question which has been of concern to this House time and again. Several questions related to this issue have been asked in the past few years The reply is a very general one. I would like to ask the hon. Minister, if he could give this House the information, the number of criminals for whom extradition was asked for in the last five years, as also the number of criminals whom we finally got back to India.

SHRI E. AHAMMED: Sir, if the hon. Member gives notice for a separate question on this, I will be able to give the answer. But I have the names of a large number of criminals. If time permits, I am prepared to give this information.

MR. CHAIRMAN: Can you lay the list of these persons on the Table of the House?

SHRI E. AHAMMED: Yes, Sir. I may be permitted to lay on the Table of the House the list of those criminals for whom we have already made requests to different countries.

MR. CHAIRMAN: All right.

SHRIMATI AMBIKA SONI: Also, in how many cases were you able to negotiate successfully in the last five years?

SHRI E. AHAMMED: Yes. The number of fugitives who have been extradited to India from other countries is 50, from 31.8.1995 to September,

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†The Question was actually asked on the floor of the House by Smt. Ambika Soni.

2004. And the number of fugitives who have been deported to India from other countries from 22.4.1997 to December, 2004, is 40. These are the figures.

SHRIMATI AMBIKA SONI: Sir, I would request the Minister, through you, to give complete information on the subject because international crime has been rising, much to the concern of national Governments.

My second supplementary is that in the absence of extradition treaties with several countries, I know Government's reply is that it is making all efforts to sign extradition treaties with as many countries as possible. Sir, I would like to know from the hon. Minister, as on date, with how many countries we actually have extradition treaties. If we don't have, what comes in the way of asking for extradition of a criminal?

SHRI E. AHAMMED: Sir, now India has signed extradition treatiesm with 28 countries. And also, we have the reciprocal extradition arrangements with ten countries. India has initiated the bilateral negotiations and the decision to initial the text has been taken at the official level with three countries. We have also been negotiating with all other countries, and extradition treaties with 33 countries are at various stages of consideration and negotiation.

SHRI SANTOSH BAGRODIA: Sir, as Ambikaji has mentioned, terrorism is increasing in the world. In view of that, having these treaties with different countries, more than 175 countries, would be a very detailed and lengthy process. Can we have some general policy at the U.N. level so that extradition from one country to the other can be done automatically? In view of that, what is the procedure for processing an extradition request received from a foreign country? I want to know this because we have criminals in our country who have to go back to their own countries, we don't want them in our country. Why are so many extradition requests pending with foreign countries?

SHRI E. AHAMMED: Sir, the first part of the question put by the hon. Member is about the U.N. role. We are one of the Members chasing the U.N. According to my understanding, even in the U.N. charter every State is given the sovereign power to decide all their matters. The general decision by the U.N. is a matter to be taken at the U.N. level, about which I will not be able to answer. The process of extradition...

SHRI SANTOSH BAGRODIA: Who will take it up?

SHRI E. AHAMMED: Sir, as far as India is concerned, the process of extradition is governed by the Extradition Act of 1962, subsequently amended in 1993. If there is any matter before the Government to extradite any Indian from any country, we will take up the matter, with all evidences and the legal process with the other country, and that country will also take up the matter in its courts. After the judicial process, it will finally be decided. If any country requests India to deport any of its national, we will, firstly, appoint, as per the provisions of this Act, a magistrate, and the magisterial inquiry will go on. At the time of the magisterial inquiry, the fugitive under the law can also adduce his evidence, and on the basis of that, the magistrate will give necessary direction, as per the order, to the Government. Then, the Government will act upon it.

SHRI RAVI SHANKAR PRASAD: Hon. Minister, you must have noticed that there is a common concern about the rise in terrorism. That was the query of the original questioner as well. I would particularly like to draw your attention to part (b) of the original question. Two countries have been mentioned very specifically, and I would like to invite your attention to a reply which is very general in nature. Nothing has been mentioned there. My query has two parts. Firstly, what steps have been taken, with these two countries; to get the terrorists extradited, against whom there are cases of terrorist activities in India? Secondly, as far as Pakistan is concerned, has the Government of India expressed a concern to that country about terrorists, particular Dawood Ibrahim, against whom trials are pending in a court, in Bombay blasts? So, these are my two specific queries. What steps are being taken by the Government to get them back here?

SHRI E. AHAMMED: Sir, as far as the first part of the question put by the hon. Member is concerned, I would like to say that UAE has been cooperating with the Government of India. They have deported the maximum number of criminals from that country to India. So far as the extradition treaty is concerned, whenever we make any request, they will be considering it, according to the procedure prevailing in that country.

As far as Pakistan is concerned, even the other day, I had mentioned here in this House, when the hon. Chairman was in the Chair, that Pakistan has not been responding positively in this regard. Therefore, we are not able to do that. With regard to one person, Dawood Ibrahim, the Government have, time and again, taken up the matter with that Government, and when we got an information that he was there in the UAE, we had taken

up the matter with the UAE Government, and the UAE Government was very much cooperative, and they have finally informed that he was not there in the UAE.

DR. K. MALAISAMY: Sir, I would like to know from the hon. Minister whether he has any idea about the total number of Indian criminals abroad. That is number one. *(Interruptions)* I would like to know whether you have any rough idea in this regard. ...*(Interruptions)* They should allow me to complete my question.

Secondly, I would like to know whether you have got an analysis of the type of crimes that these people are committing outside the country. Has there been any categorisation in terms of terrorism, this offence or that offence?

SHRIRAJEEV SHUKLA: If an Indian is wanted by another country, or, if his extradition is sought, I would like to know from the hon. Minister whether that Indian can approach the Indian authority for release or not. Secondly, to what extent America is cooperating as far as extradition is concerned?

SHRI E. AHAMMED: Mr. Chairman, Sir, if an Indian's extradition is sought by another country, as I mentioned here, firstly we will appoint a magistrate to try the case here. If the magistrate also orders that he should be extradited, the person has the right, under section 29 of the Extradition Act, to approach the Central Government, and the Central Government decides...*(Intermptions)*

MR. CHAIRMAN: Please don't repeat. You have already spoken on this matter.

SHRI E. AHAMMED: The Government of India considers three things: whether the case is of a criminal nature, whether any *mala fide* case is there, and whether there is a political consideration. On the basis of these three considerations, the Government of India will take a final decision.

Jobs to unemployed youths

*325. SHRI BHAGWATI SINGH: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the number of educated unemployed persons in the country, State-wise;